

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

MICHAEL HENRY ANDERSON,

Plaintiff,

vs.

DAN DELTEN, TOM SIMKINS,
DAN JOHNSON, and BEN BOULEY,

Defendants.

CV 17-63-H-BMM-JTJ
(CV-17-70-H-BMM-JTJ)
(CV-18-4-H-BMM-JTJ)

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this case on December 3, 2019. Judge Johnston recommended that Defendant Ben Bouley's Motion for Summary Judgment (Doc. 54) should be granted. (Doc. 60.) Bouley moved for summary judgment on all of Plaintiff Michael Henry Anderson's claims.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United*

States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that:

- Judge Johnston's Findings and Recommendations (Doc. 60) are **ADOPTED IN FULL**.
- Defendant Bouley's Motion for Summary Judgment (Doc. 54) is **GRANTED**.
- The Clerk of the Court is directed to close Civil Actions 17-63-H-BMM-JTJ, 17-70-H-BMM-JTJ, and 18-4-H-BMM-JTJ and enter judgment in favor of Defendants under Federal Rule of Civil Procedure 58.
- The Clerk of Court is directed to have the docket reflect that the Court certifies under Federal Rule of Appellate Procedure 24(a)(3)(A) that any appeal of this decision is not taken in good faith.

DATED this 6th day of January, 2020.



Brian Morris
United States District Court Judge